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1. Applicants elected to prosecute the invention of the Group II claims 9-24 during a telephone conversation with Examiner Tentoni on September 7, 2005. As a result of that telephonic election, claims 1-8 were withdrawn from consideration and are hereby canceled in this response.

2. Claim 18 was objected to because of the informality of having it be identified as "Claim 16" instead of claim 18 since it followed claim 17. This informality has been corrected in this response by correctly numbering the claim as Claim 18. A minor grammatical correction also has been made in claim 21.

3. Claims 9-24 are rejected under the provisions of 35 U.S.C. §102(b) as being anticipated by Applicants' admitted prior art U.S. Patent Application USSN 09/970,956, now U.S. Patent number 6,902,246 to Fong. The Office Action alleged, among other statements, that the applied reference had "...a level sensor (102) in the intermediate vessel which is set to trigger from a set level being reached that is capable of being predetermined ahead of time if desired, followed by a drain that is connected to umbilical tube (56) for draining excess material towards the waste receptacles and the vessel would have a vent like means occurring from the release of the excess waste material from valves (100a and 100b) for venting the pressure buildup of material in the waste reservoir (94)." This rejection is respectfully traversed.

Applicants submit that the applied reference is not an anticipation, nor even does it make obvious the claimed invention, for several reasons. First, the sensor cited in the Office Action is a sensor to shut down the printer to prevent damage from occurring from the overflow and build-up of waste material. As explained in column 14, at lines 54-67 of the issued patent, the sensor sends a message to the computer controller that completely stops the operation of the apparatus to permit servicing to correct an operational malfunction. This is not what was claimed in the instant invention. To further distinguish and clarify the invention, independent claims 9 and 16 have been amended to recite that the level sensor senses when a pre-set amount of waste material

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has been collected in the intermediate vessel in preparation for releasing a measured amount of collected waste material from the vessel to the waste receptacle. There is no waste material line that feeds waste material into what the Office Action has equated to the intermediate vessel in the applied reference, as is now claimed in the independent claims. Further, the independent claims have been amended to recite that there is a sealable bottom drain and a sealable atmospheric vent in the intermediate vessel. In marked contrast, the applied reference has no sealable atmospheric vent, nor a sealable bottom drain in the intermediate vessel. The applied reference does not release measured amounts of waste material when the applied apparatus is operating, but rather continuously releases waste material into the umbilical tube 56 as long as the extrusion bars are energized. Dependent claims 10-12 and 17-19 have also been amended to more clearly recite the claimed invention. Support for this amended language is found in paragraphs 11, 21, 50 and 51 of the subject published application (respectively pages 5, at lines 12-14; 7, at lines 7-18; and 16, at lines 13-page 17, line 9 of the specification as filed). Dependent claims 25 and 26 have been added to the application to recite limitations related to the negative pressure created by the opening of the bottom sealed drain and the flow of waste material from the intermediate vessel to draw residual waste material from the waste material line. Support for these new dependent claims is found in paragraph 50 of the subject published application (page 16, at lines 25-page 17, line 2). No new matter has been added by the amendatory language presented in this response.

Accordingly, it is submitted that claims 9-26 as now presented are patentably distinguishable over the art of record. Reconsideration and withdrawal of the rejection are respectfully requested.

4. In summary, claims 9-26 remain in the application. Independent claims 9 and 16 and dependent claims 10-12 and 17-19 have been amended. A minor grammatical correction has also been made to claim 21. New claims 25 and 26 have been presented for examination.

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Pursuant to currently recommended Patent Office practice, the Examiner is expressly authorized to call the Applicant's attorney collect at Valencia, California, if in his judgment disposition of this application could be expedited or if he considers the application not ready for examination or final disposition by other than allowance.

Respectfully submitted,
3D Systems, Inc.

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